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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kevin N. Quiring

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EXAMINER

PARKER, BRANDI P

ART UNIT

PAPER NUMBER

3624

MAIL DATE

DELIVERY MODE

07/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/811,367	Applicant(s) QUIRING ET AL.	
	Examiner BRANDI P. PARKER	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/30/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 5, 13 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12, 14-20, and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/3/2009 has been entered.

Acknowledgements

2. This is a non-final office action in response to the Applicant's Request for Continued Examination filed on 4/30/2009.

3. Claims 1-4, 6-12, 14-20, and 22-24 are pending in this Office Action. Claims 1, 9 and 17 have been amended. Claims 5, 13 and 21 have been cancelled.

Response to Applicant's Amendments

4. Applicant's amendments to claims 1, 9 and 17 necessitated the new grounds of rejections.

Response to Applicant's Arguments

5. Applicant's arguments with respect to claims 1-4, 6-12, 14-20, and 22-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 6-12, 14-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson et al (US 7016936) and Patel et al (US 7370004) in further view of Carey et al. (US 2002/0112035)

8. With respect to claims 1, 9 and 17, Wilkinson teaches

- a. interfacing with a plurality of different types of communication channels (column/line 11/40-56);

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- b. receiving requests from at least one customer for customer interactions over at least two different types of communication channels (column/line 4/37-43);
- c. identifying the at least one customer (column/line 4/46-50);

Although Wilkinson further teaches where grouped rules are processed in a hierarchy (column/line 5/33-37 and 5/61-67), where rules are processed by rank or order, Wilkinson does not directly or explicitly teach a channel-independent processing engine for each customer interaction or where overriding rules have priority over interaction rules. However, Patel teaches:

- d. for each requested customer interaction, choosing at least one treatment for processing the customer interaction using a central, channel-independent processing engine (column/line 2/35-38); and
- e. processing the customer interaction by the central, channel-independent processing engine, based on the treatments chosen (column/line 3/7-41).

It would have been obvious to one of ordinary skill in the art to include the business system of Wilkinson with the ability to use a channel-independent processing engine for each customer interaction as taught by Patel since the claimed invention is merely a combination of old elements, and in the combination each element merely

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would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Wilkinson in view of Patel does not directly or explicitly teach where overriding rules have priority over interaction rules. However, Carey teaches a content experience management system where rules are prioritized and certain rules are allowed to override other rules (paragraph 0078).

It would have been obvious to one of ordinary skill in the art to include the business system of Wilkinson and Patel with the ability to use a content experience management system where rules are prioritized and certain rules are allowed to override other rules as taught by Carey since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

9. As to claims 2, 10 and 18, Patel further teaches the method from claim 1, wherein choosing the at least one treatment is a function of a customer segment, an interaction type and an interaction channel (column/line 3/25-28).

10. Regarding claims 3, 11 and 19, Wilkinson teaches the method from claim 1, further comprising:

f. inserting data correlating to the at least one treatment into a customer intelligence record (column/line 7/20-33); and

g. returning the customer intelligence record to one of the plurality communication channels for instructing the channel on the treatments to present to the customer (column/line 12/42-45).

11. With respect to claims 4, 12 and 20, Wilkinson teaches the method from claim 1, wherein the step of choosing at least one treatment accesses a central repository where treatments have been stored by an independent design tool (column/line 10/41-48).

12. As to claims 6, 14 and 22, Wilkinson teaches the method from claim 1, further comprising sending the at least one treatment to one of the plurality of communication channels via a plurality of services (column/line 11/40-56).

13. Regarding claims 7-8, 15-16 and 23-24, Wilkinson teaches the method from claim 7, wherein the step of leveraging insight about customers from analytical models to derive at least one treatment comprises:

h. extracting customer data for a plurality of customers from at least one database (column/line 11/59-67);

- i. training analytical models to predict customer behavior, wherein the analytical models are trained using the customer data extracted from at least one database (column/line 6/66-7/2, 14/4-13);
- j. gathering the customer interaction results (column/line 7/2-5); and
- k. retraining the analytic models to refine the customer behavior prediction, wherein the analytical models are re-trained using the customer data extracted from at least one database as well as the customer interaction results (column/line 7/10-19; 14/15-25 regarding optimizing the customer behavior models) .

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI P. PARKER whose telephone number is (571) 272-9796. The examiner can normally be reached on Mon-Thurs. 8-5pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley B. Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDI P PARKER/
Examiner, Art Unit 3624

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 3624